

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

STATE OF MISSOURI, RESPONDENT

vs.

DAMON ALSHAWN WILLIAMS, APPELLANT

DOCKET NUMBER WD71868
**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: November 22, 2011

Appeal from:

The Circuit Court of Boone County, Missouri
The Honorable Gene Hamilton, Judge

Appellate Judges:

Division Two: Mark D. Pfeiffer, P.J., Victor C. Howard and Cynthia L. Martin, JJ.

Attorneys:

Chris Koster, Attorney General
Richard A. Starnes, Assistant Attorney General
Jefferson City, MO

Attorneys for Respondent,

Margaret M. Johnston, Assistant State Public Defender
Columbia, MO

Attorney for Appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI, RESPONDENT

v.

DAMON ALSHAWN WILLIAMS, APPELLANT

WD71868

Boone County, Missouri

Before Division Two: Mark D. Pfeiffer, P.J., Victor C. Howard and Cynthia L. Martin, JJ.

Damon Williams appeals his convictions following a jury trial for murder in the first degree, robbery in the first degree, and armed criminal action. Williams claims that the trial court abused its discretion when it admitted testimony from Detective John Short regarding a witness statement. Williams also claims that the trial court plainly erred in setting aside his guilty plea.

AFFIRMED.

Division Two holds:

(1) When a co-defendant testified against Williams, defense counsel implied that his testimony was fabricated in order to get a better deal from the State. The State thereafter presented the testimony of Detective Short, who testified regarding the statements the co-defendant made to him in two interviews prior to entering a deal with the State. Where Detective Short's testimony was not offered solely to duplicate or corroborate the co-defendant's testimony, it did not constitute improper bolstering; rather, the prior consistent statements were admissible for the purpose of rehabilitating the co-defendant's credibility.

(2) Although Williams's guilty plea was entered on the record, the trial court clearly informed Williams that it was not accepting his guilty plea without qualification at that time. Because the court had not yet accepted the plea without qualification, it had virtually unlimited discretion to refuse the plea or reject the plea bargain. Therefore, the trial court did not exceed its authority when it later refused to accept Williams's plea.

Opinion by: Victor C. Howard, Judge

Date: November 22, 2011

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